

BC 406-00 Old Bay Marina  
VAR 00-008

MSA-S-1829-918

0/25/00  
Comments *DE*



Baltimore County  
Department of Environmental Protection  
and Resource Management

Office of the Director  
401 Bosley Avenue, Suite 416  
Towson, Maryland 21204

RECEIVED

August 22, 2000

SEP 6 2000

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

Mr. Brian Hall  
Old Bay Marina  
7200 Bay Front Road  
Baltimore, Maryland 21219

Re: Old Bay Marina  
Critical Area Administrative Variance

Dear Mr. Hall:

The Department of Environmental Protection and Resource Management (DEPRM) has received your variance request to erect two (2) 22' by 30' portable work shelters within the one hundred (100) foot Critical Area Buffer. Although the site is within the Buffer Management Area (BMA), the variance is necessary due to the fact that the impervious surface limit will be exceeded when this shelter is added to the property. Additionally, as this shelter is moved from boat to boat, the square footage of allowable disturbance within the Managed Buffer may also be exceeded. The Director of DEPRM may grant a variance to the Chesapeake Bay Critical Area regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.11. There are five (5) criteria listed in COMAR 27.01.11 that shall be used to evaluate the variance request. All five of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarranted hardship. Based on the fact that the marina use on this relatively wide but shallow property predates the environmental regulation, we find this criterion met.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area. A property with similar characteristics would also be granted a variance

The third criterion requires that granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area. Granting of this variance will not confer upon the applicant any special privilege that would be denied to other similar lands within the Critical Area

Census 2000

For You, For Baltimore County

Census 2000

The fourth criterion requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. We find this criterion is satisfied due to the fact that the applicant has approached this Department, prior to the purchase of the structures.

The fifth criterion requires that granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area regulations. We find that these structures will essentially be the mitigation that minimizes impacts to water quality. It is noted that boat maintenance activities will occur on the property and that these activities may occur in the open, where weather conditions may disperse pollutants.

Based upon our review, this Department finds that the five above criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 26-445(c) of the Baltimore County Code with the following conditions:

1. The attached "Notice of Granting of Variance" must be published in one of the three local newspapers (The Avenue, The Dundalk Eagle or the East County Times). Final variance approval cannot be granted until fifteen (15) calendar days after the notice has been published. A copy of the Certificate of Publication for the advertisement issued by the newspaper, or a copy of the advertisement from the paper must be submitted to this office prior to receiving final variance approval.
2. When not in use, the structures shall be stored as far away from the water as possible especially no closer than the twenty five (25) foot non-disturbance portion of the buffer.
3. When in use, the structures shall be seated on the ground to ensure that a relatively airtight fit is achieved.
4. When the structures are in use, Best Management Practices shall be employed to further minimize impacts to water quality. Specifically, you must investigate and adopt mechanisms for paint chip and volatile organic recovery.

Given the oil disposal issues discussed with staff from this Department, we recommend that you develop and post educational signage and/or pamphlets to alleviate this problem.

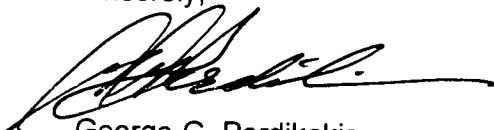
It is the intent of this Department to approve this variance subject to the above conditions. Changes in site layout may require submittal of revised plans and an amended variance request.

Mr. Brian Hall  
August 22, 2000  
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Please sign the statement on below and then return a copy of the Certificate of Publication, the revised plot plan, and the letter to this Department c/o Ms. Patricia M. Farr of Environmental Impact Review. Failure to return a signed copy of this letter and the other two items may result in delays in processing of permits or other development plans for the subject property, and/or may render this variance null and void.

If you have questions regarding this project, please contact Michael S. Kulis or Patricia M. Farr at 410-887-3980.

Sincerely,



George G. Perdikakis  
Director

GGP:msk

Attachment

c: Ms. Regina Esslinger, CBCA Commission

I/We have read and agree to implement the above requirements to bring my/our property into compliance with Chesapeake Bay Critical Area regulations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

MSK6/OldBayMarinaCAAVa

**BALTIMORE COUNTY**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE**  
**MANAGEMENT**

**NOTICE OF GRANTING OF VARIANCE**

**ADDRESS:** 7200 Bay Front Road

**LEGAL OWNER:** Mr. Brian Hall

The Baltimore County Department of Environmental Protection and Resource Management, pursuant to Section 26-445(c) of the Baltimore County Code, hereby gives notice that a variance from Section 26-449 of the Code, Chesapeake Bay Critical Area Requirements, will be granted for the purpose of erecting two (2) 22' by 30' portable work structures on the referenced property. Any person or persons, jointly or severally, or any taxpayer aggrieved or feeling aggrieved by this decision, may appeal to the Baltimore County Board of Appeals within forty-five (45) days from the date of this notice. Appeals must be made in writing, stating the reason for appeal, and must be mailed to Environmental Impact Review, Baltimore County Department of Environmental Protection and Resource Management, 401 Bosley Avenue, Suite 416, Towson, Maryland 21204. All appeals must be accompanied by a check for \$75.00 payable to Baltimore County Government.